

**PATENT APPLICATION
DOCKET NO. 10012627-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S): Robert Sesek

CONFIRMATION NO.: 1691

SERIAL NO.: 10/022,142

GROUP ART UNIT: 3629

FILED: December 12, 2001

EXAMINER: Webb, Jamisue

SUBJECT: FEED FORWARD MAIL LOAD NOTIFICATION SYSTEM AND METHOD

**COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

APPELLANTS'/APPLICANTS' REPLY BRIEF

The Appellant filed an appeal brief on September 13, 2007. The Examiner responded mailing an Answer on December 12, 2007. The following is a reply to the Examiner's Answer.

1. Grounds of Rejection To Be Reviewed.

A. Claims 1-8, 11-14, 16, 18-25, 28-31, and 33 under 35 USC §102 as being anticipated by USPN 5,072,401 issued to Sansone.

B. Ground For Rejection B – Claims 9, 10, 15, 17, 26, 27, 32, and 34 stand under 35 USC §103 as being unpatentable over Sansone.

2. Argument.

A. Ground For Rejection A – Claims 1-8, 11-14, 16, 18-25, 28-31, and 33 under 35 USC §102 as being anticipated by USPN 5,072,401 issued to Sansone.

Claim 1 is directed to a method of feed forward mail load notification to a carrier in a mass mailing operation and recites the following:

1. monitoring an actual mail production characteristic;
2. transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the actual mail production characteristic; and
3. notifying the carrier of a change in said mail load forecast if said monitoring step indicates a variance in the mail production characteristic that can affect the accuracy of the transmitted mail load forecast.

It is initially noted that the Examiner, at page 3 of the Answer, continues to mischaracterize Claim 1. In particular, the Examiner contends that Sansone teaches “Producing and transmitting a mail load forecast corresponding to the actual mail production characteristic.” Claim 1 does not recite that the mail load forecast corresponds to the actual mail production characteristic. Instead, Claim 1 recites the mail load forecast corresponds to a predicted number of mail pieces and that the

predicted number of mail pieces is determined at least in part by the actual mail production characteristic. Consequently, the Examiner has failed to assert that Sansone teaches or suggests “transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the actual mail production characteristic.” For at least this reason, the Examiner has failed to set forth a prima facie case for anticipation.

Furthermore, the Appellant reiterates that the mail load forecast recited in claim 1 corresponds to a **predicted number** of mail pieces and that the forecast is transmitted to a **carrier**. In the opening brief, the Appellant explained that Sansone failed to teach or suggest a method that includes transmitting such a mail load forecast to a carrier. At page 7 of the Answer, the Examiner responded stating the following:

Sansone discloses in Column 9, that information that is transmitted can be for mail which “will shortly be generated, but has not yet been delivered”. This information corresponds to mail which has not been generated as well as not been delivered. Therefore, until the mail is printed and delivered, then they are not actual numbers, and therefore the examiner considers them to be forecasts. The word forecast (as defined by the Merriam-Webster Online dictionary), can mean a prediction of future happening, but can also mean an indication of something that is likely to occur. The information in Sansone is what the user expects to produce and deliver, but has not done it yet, it is something that is predicted to happen. Due to the fact that the mail has not in fact been printed, it is not an “actual” number, but an “expected” number, which the examiner considers to be a forecast.

The Appellant respectfully argues that the Examiner’s interpretation of mail load forecast and the transmission of such a forecast to a carrier is mistaken. Sansone describes a data center (118) that receives “information concerning batches of mail that have or will shortly be generated but have not yet been delivered to the Post Office.” Sansone, col. 9, lines 45-47. The Appellant respectfully maintains that Sansone’s batch information is not a mail load forecast and is not transmitted to a carrier. Sansone’s batch information is transmitted to a data center (118). According to Sansone, the data center is “a facility run by a commercial operation, such as Pitney Bowes, Inc.” Sansone, col. 5, lines 50-52. Sansone further describes the data center as follows:

In accordance with one aspect of the invention, a data center is provided that is connected by way of a data communications network or links to a plurality of user or mailer stations that each generate batch mailings. The communications link includes computers at the mailer stations and at the data center. Via the communications link, the data center receives from each of the mailer stations the mail parameters of each batch of mail that has been or will be generated for early delivery to the Postal Service. The data center computer maintains a database with up-to-date, current information on all published Postal Service regulations governing qualification of batch mailings for rate reductions or discounts. The individual batch parameters are also stored in a database at the data center. The data center now processes the information in those databases to create data for expediting delivery to and through the Postal Service.

Sansone, col. 3, lines 30-47. Even if Sansone's batch information mentioned in column 9 could be considered a mail load forecast, it is not transmitted to a carrier. It is transmitted to a data center. Sansone plainly distinguishes the data center from a carrier – the United States Post Office.

Furthermore, Sansone's batch information is not a mail load forecast as recited in Claim 1. The Specification distinguishes the term "forecast" from "actual numbers." See Specification, page 12, lines 22-24 provides: "At step 60, the **current** daily production rates and levels are checked, and this is the most accurate information available **as these represent actual numbers and not forecasts**" (emphasis added). Current production rates and loads are known, actual values and, according to the specification, are not forecasts or mail load forecasts. Sansone's batch information concerns batches of mail that have or will soon be generated. When compared to the current specification, such bath information is, at best, akin to "current daily production rates and levels." In other words, in the terms of the specification. Sansone's batch information represents "actual" information "and not forecasts."

As noted above, the Examiner fails to address the portion of Claim 1 reciting that the mail load forecast corresponds to a predicted number of mail pieces. Sansone describes that its batch information corresponds to batches of mail but makes no indication that the information corresponds to a predicted number of mail pieces in a batch. The only specific items of information Sansone describes includes "weight, size, mail class, destination, address mode, font, zip codes, bar codes, etc." Sansone, col. 10, lines 24-25. Furthermore, since Sansone's batch information concerns mail that has

been or will be generated, the batch information would not correspond to a predicted number of mail pieces. The batch information would correspond to an actual number of mail pieces are determined.

Furthermore, Claim 1 recites that the predicted number of mail pieces is determined at least in part by the actual mail production characteristic. The Examiner fails to address this limitation. Sansone mentions nothing of determining a predicted number of mail pieces by or based on an actual mail production characteristic.

As such Sansone fails to teach or suggest a method that includes transmitting a mail load forecast to the carrier where that mail load forecast corresponds to a predicted number of mail pieces determined at least in part by the actual mail production characteristic. For at least this reason, Claim 1 is patentable over Sansone as are Claims 2-17 which depend from Claim 1.

Claim 18 is directed to a system having various means for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so are Claim 18 and Claims 19-34 which depend from Claim 18.

B. Ground For Rejection B – Claims 9, 10, 15, 17, 26, 27, 32, and 34 stand under 35 USC §103 as being unpatentable over Sansone.

The Examiner rejected Claims 9, 10, 15, 17, 26, 27, 32, and 34 under §103 as being unpatentable over Sansone. Claims 9, 10, 15, and 17 depend from Claim 1. Claims 26, 27, 32, and 34 depend from Claim 18. For at least the same reasons Claims 1 and 18 are patentable, so are Claims 9, 10, 15, 17, 26, 27, 32, and 34.

3. Conclusion.

In view of the foregoing remarks, the Appellant respectfully and earnestly solicits early and favorable action allowing the Claims and passing the application to issue.

Respectfully submitted,
Robert Sesek

By /Jack H. McKinney/
Jack H. McKinney
Reg. No. 45,685

February 12, 2008

APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. (previously preselected) A method of feed forward mail load notification to a carrier in a mass mailing operation, comprising the steps of:
 - monitoring an actual mail production characteristic;
 - transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the actual mail production characteristic; and
 - notifying the carrier of a change in said mail load forecast if said monitoring step indicates a variance in the mail production characteristic that can affect the accuracy of the transmitted mail load forecast.
2. (original) The method of Claim 1 further comprising the steps of:
 - receiving feedback from the carrier related to the carrier's capacity to accept mail
 - and
 - adjusting mail production in response to said feedback.
3. (original) The method of Claim 1 further comprising the steps of:
 - receiving feedback from the carrier related to the carrier's capacity to accept mail
 - and
 - requesting the services of a second carrier to accept excess production in the event the carrier is unable to accept the entire mail load production.
4. (original) The method of Claim 1 wherein said monitoring step comprises monitoring a mail production schedule.
5. (original) The method of Claim 1 wherein said monitoring step comprises monitoring production history.
6. (original) The method of Claim 1 wherein said monitoring step comprises monitoring present mail inventory.

7. (original) The method of Claim 1 wherein said monitoring step comprises monitoring an equipment maintenance schedule.

8. (original) The method of Claim 1 wherein said monitoring step comprises monitoring a present mail production rate.

9. (original) The method of Claim 1 wherein said mail load forecast is resolved to daily production forecasts.

10. (original) The method of Claim 1 wherein said mail load forecast is a rolling forecast that is updated periodically.

11. (original) The method of Claim 1 wherein said mail load forecast indicates the total number of mail pieces.

12. (original) The method of Claim 1 wherein said mail load forecast indicates the total weight of mail pieces.

13. (original) The method of Claim 1 wherein said mail load forecast indicates the destination of mail pieces.

14. (original) The method of Claim 1 wherein said mail load forecast indicates the routing of mail pieces.

15. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier via the Internet.

16. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier via a private network.

17. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier telephonically.

18. (previously presented) An apparatus for feeding forward mail load notification to a carrier in a mass mailing operation, comprising:

means for monitoring an actual mail production characteristic;

means for transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the mail production characteristic; and

means for notifying the carrier of a change in said mail load forecast if said means for monitoring indicates a variance in the mail production characteristic that can affect the accuracy of the mail load forecast.

19. (original) The apparatus of Claim 18 further comprising:

means for receiving feedback from the carrier related to the carrier's capacity to accept mail and

means for adjusting mail production in response to said feedback.

20. (original) The apparatus of Claim 18 further comprising:

means for receiving feedback from the carrier related to the carrier's capacity to accept mail and

means for requesting the services of a second carrier to accept excess production in the event the carrier is unable to accept the entire mail load production.

21. (original) The apparatus of Claim 18 wherein said means for monitoring monitors a mail production schedule.

22. (original) The apparatus of Claim 18 wherein said means for monitoring monitors production history.

23. (original) The apparatus of Claim 18 wherein said means for monitoring monitors present mail inventory.

24. (original) The apparatus of Claim 18 wherein said means for monitoring monitors an equipment maintenance schedule.

25. (original) The apparatus of Claim 18 wherein said means for monitoring monitors a present mail production rate.

26. (original) The apparatus of Claim 18 wherein said mail load forecast is resolved to daily production forecasts.

27. (original) The apparatus of Claim 18 wherein said mail load forecast is a rolling forecast that is updated periodically.

28. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the total number of mail pieces.

29. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the total weight of mail pieces.

30. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the destination of mail pieces.

31. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the routing of mail pieces.

32. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier via the Internet.

33. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier via a private network.

34. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier telephonically.